

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
LINDSAY DANIELS,

15-CV-2251-RJS

Plaintiff,

-against-

THE CITY OF NEW YORK, et. al.,

Defendants
----- X

DECLARATION OF ELISSA FUDIM
IN SUPPORT OF DEFENDANTS'
PARTIAL MOTION FOR SUMMARY
JUDGMENT

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants The City of New York, Officers Richard Balboolal, Alejandro Rivas, Paul Arico, Terence McGrath, Brendan Regan and Sergeant Cruz.

2. I submit this declaration in support of defendants' motion for summary judgment.

3. The purpose of this declaration is to attach documents exhibits, which documents are referenced in the accompanying 56.1 Statement and the accompanying Memorandum of Law.

4. Attached hereto as Exhibit 1 is a true and accurate copy of plaintiff's complaint filed March 25, 2015.

5. Attached hereto as Exhibit 2 is a true and accurate copy of the deposition transcript of plaintiff Lindsay Daniels, dated May 19, 2015.

6. Attached hereto as Exhibit 3 is a true and accurate copy of an excerpt of the deposition transcript of Officer Richard Balboolal, dated August 21, 2014.¹

7. Attached hereto as Exhibit 4 is a true and accurate copy of an excerpt of the deposition transcript of Sergeant Fredy Cruz, dated August 20, 2014.

8. Attached hereto as Exhibit 5 is a true and accurate copy of plaintiff's arrest report.²

9. Attached hereto as Exhibit 6 is a true and accurate copy of an excerpt from Officer Balboolal's memo book.

10. Attached hereto as Exhibit 7 is a true and accurate copy of a declaration signed by plaintiff on November 5, 2015.

11. The officer identified in the first two photos attached to plaintiff's November 5, 2015 declaration (Exhibit 7) is Alejandro Rivas. I have met Officer Rivas and recognize him in the photos.

12. The officer identified in the second two photos attached to plaintiff's November 5, 2015 declaration (Exhibit 7) is Brendan Regan. I have met Officer Regan and recognize him in the photos.

13. Attached hereto as Exhibit 8 is an evidence voucher, which vouchered the marijuana recovered from plaintiff by Police Officer Amber Guzman.³

14. Attached hereto as Exhibit 9 is plaintiff's prisoner movement slip which includes a photo of plaintiff taken on March 27, 2015.⁴

¹ Portions of the officer depositions not having to do with the events of plaintiff's arrest have been removed.

² Plaintiff's date of birth has been redacted for filing.

³ Plaintiff's date of birth has been redacted for filing.

15. Attached hereto as Exhibit 10 is the criminal complaint against plaintiff.

16. Attached hereto as Exhibit 11 is the Certificate of Disposition in plaintiff's criminal case.⁵

17. Attached hereto as Exhibit 12 is a portion of the deposition testimony of Officer Regan.

18. Attached hereto as Exhibit 13 is a portion of the deposition testimony of Officer Rivas.

19. No Monell discovery has taken place in this case. Specifically, no documents have been provided by plaintiff to defendants which plaintiff has indicated support her municipal liability claim. Neither has plaintiff identified any witnesses she intends to rely upon in support of her municipal liability claim.

20. I declare under penalty of perjury, that the foregoing is true and correct.

Executed on this 28 day of December 2015.


Elissa P. Fudim, Esq.

⁴ Plaintiff's date of birth has been redacted for filing.

⁵ Plaintiff's date of birth has been redacted for filing.